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FILED

2013 NOV 22 A 11:24

David H. Yerushalmy, Clerk of the Superior Court  
County of Santa Clara, California  
By \_\_\_\_\_  
Date/Clerk

*E. Tong-Miller*

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13 Attorneys for Petitioners  
14 Ameriprise Financial, Inc.,  
15 Ameriprise Financial Services, Inc., and  
16 American Enterprise Investment Services, Inc.

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 IN AND FOR THE COUNTY OF SANTA CLARA

19 UNLIMITED

20 AMERIPRISE FINANCIAL, INC., a  
21 Delaware Corporation;  
22 AMERIPRISE FINANCIAL SERVICES,  
23 INC., a Delaware Corporation; and  
24 AMERICAN ENTERPRISE INVESTMENT  
25 SERVICES, INC., a Delaware Corporation,

Petitioners,

v.

XIMPLEWARE CORP., A CALIFORNIA  
CORPORATION,

Respondent.

CASE NO. 113CV256454

[PROPOSED]  
ORDER GRANTING EX PARTE  
APPLICATION FOR ORDER  
COMPELLING RESPONDENT  
XIMPLEWARE'S ATTENDANCE AT  
DEPOSITION AND PRODUCTION OF  
DOCUMENTS, OR, IN THE  
ALTERNATIVE, FOR ORDER  
SHORTENING TIME IN WHICH TO  
HEAR PETITION TO ENFORCE  
DEPOSITION SUBPOENA

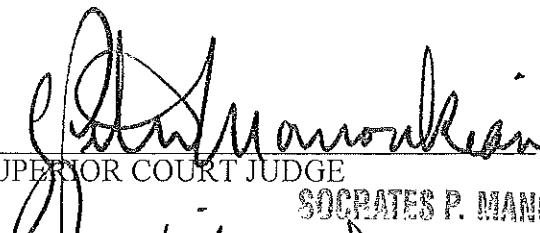
Date: November 22, 2013  
Time: 8:15 a.m.  
Dept.: TBD

1 Having considered the ex parte application of Petitioners Ameriprise Financial, Inc.,  
2 Ameriprise Financial Services, Inc., and American Enterprise Investment Services, Inc.  
3 (collectively "Ameriprise") for Order Compelling Respondent XimpleWare's Attendance at  
4 Deposition and Production Of Documents, or, in the Alternative, for Order Shortening Time in  
5 Which to Hear Petition to Enforce Deposition Subpoena, and finding good cause exists for such  
6 Petition,

7 IT IS HEREBY ORDERED that the application is GRANTED.

8 IT IS FURTHER ORDERED THAT: *ameriprise's motion for order*  
*requiring* XimpleWare's designated representative <sup>to</sup> shall appear for a deposition on  
10 December 6, 2013 at 9:00 a.m. at Dorsey and Whitney LLP's Palo Alto office located at 305  
11 Lytton Avenue, Palo Alto, CA 94301, and there testify concerning the topics set forth in  
12 Ameriprise's Subpoena for Personal Appearance and Production of Documents, Electronically  
13 Stored Information, and Things in Action Pending Outside California dated October 2, 2013 (the  
14 "Subpoena"). *shall be heard at 9:00 am on 2 December 2013*  
*in Dept. 19 be ready*  
15 2. XimpleWare shall produce documents responsive to the Ameriprise Subpoena by  
16 December 2, 2013. *at noon*

17  
18 Dated: 22 November 2013

19  
20   
21 SUPERIOR COURT JUDGE  
22 Socrates P. Manoukian

23 all parties may file additional papers  
24 by noon on Wednesday 11/27/2013. *email/fax service okay.*  
25 courtesy copies to Dept 19 are appreciated  
26 email to *smanoukian@scscourt.org*